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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,091

11/20/2003

Gerald Bauldock SR.

1090

38831

7590

09/23/2004

GERALD BAULDOCK
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EXAMINER

SMITH, RICHARD A

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,091	Applicant(s) BAULDOCK, GERALD	
	Examiner R. Alexander Smith	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

In this case, the abstract is too long and needs to be limited to 150 words or less.

Claim Objections

2. Claims 2-6 objected to because of the following informalities. Appropriate correction is required.

Claim 2:

- a. "A pivoting ruler according to claim 1, which" should state --The device according to claim 1, wherein the pivoting ruler--.
- b. "can be used to measure" should be --and measures--.

Claim 3:

- a. "A vertical ruler according to claim 1, which can slide" should state --The device according to claim 1, wherein the vertical ruler slides--.

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- b. "can be used to measure" should be --and measures--.

Claim 4: "A vertical ruler according to claim 1, which can intersect" should state --The device according to claim 1, wherein the vertical ruler intersects--.

Claim 5:

- a. X, Y, R and theta are not disclosed in claim 1 and need to be properly identified and described either in claim 1 or in claim 5.
- b. The use of "which can calculated" makes the claim language confusing because it is not clear if this is a statement of intended use or a limitation. As written it appears to be intended use.

Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. This claim is objected to as being non-limiting since this claim contains only functional limitations and elements which are not part of the device, i.e., "which allows data to be collected that can be used to plot the curves of the trigonometric functions".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 2,505,149 to Schoenberg.

The limitations of claims 1-4 would be met when the vertical ruler is arm 5 when locked at 90 degrees to the horizontal arm 6, the circular plate is 2, and the sliding bracket is element 10 of element 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenberg in view of U.S. 1,955,392 to Shimberg.

Schoenberg teaches all that is claimed as discussed in the above rejections of claims 1-4 except for calculated the trigonometric functions by their relationships with the stated measured values and using the data collected to plot curves.

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Shimberg discloses a device that provides teaching of trigonometric functions that involves a circle plate and two arms in order to teach students. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the use, taught by Schoenberg, to include calculated the trigonometric functions by their relationships with the stated measured values and using the data collected to plot curves, as suggested by Shimberg, in order to help teach students trigonometry.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 1,691,279 to Gates in view of U.S. 2,505,149 to Schoenberg.

Gates discloses the limitations of claims 1-4 including a plate (17) but does not teach said plate being a 360 degree circular plate.

Schoenberg disclose a device wherein each plate (1-3) is a 360 degree plate. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the 180 degree plate, taught by Gates, to be a 360 degree plate, as taught by Schoenberg, in order to increase the range and versatility of said measuring device.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates and Schoenberg, as applied to claims 1-4 above, and further in view of U.S. 1,955,392 to Shimberg.

Gates and Schoenberg teach all that is claimed as discussed in the above rejections of claims 1-4 except for calculated the trigonometric functions by their relationships with the stated measured values and using the data collected to plot curves.

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Shimberg discloses a device that provides teaching of trigonometric functions that involves a circle plate and two arms in order to teach students. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the use, taught by Gates and Schoenberg, to include calculated the trigonometric functions by their relationships with the stated measured values and using the data collected to plot curves, as suggested by Shimberg, in order to help teach students trigonometry.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related devices.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251.

The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. Alexander Smith', with a long, sweeping horizontal stroke extending to the right.

R. Alexander Smith
Examiner
Technology Center 2800

RAS
September 20, 2004